

REMARKS

This amendment is submitted in response to the Office Action mailed on May 2, 2007. Reconsideration and allowance of this application, as amended, is respectfully requested in view of the remarks that follow.

The three independent claims 1, 17, and 22 are of similar scope – claim 1 is a method claim, while claims 17 and 22 are apparatus claims. Claim 22 differs from claim 17 in that it contains “means for” terminology. These three independent claims will be discussed together in the discussion which follows. Representative claim 1 will be the focus of the discussion.

Claims 2 and 3 have been cancelled. The limitations expressed in claim 3 have been incorporated into the three independent claims 1, 17, and 22. The reason for this alteration to the claims is explained below.

A. The Rejection

All of the Claims stand rejected under 35 USC §103(a) as obvious in view of the combination of U.S. Published Application No. US 2002/0257267 A1 filed by John L. Williams, *et al.* on February 13, 2004 (claiming the priority of provisional application No. 60/448,313, filed on Feb. 14, 2003) with U.S. Patent No. US 6,229,540 B1 which issued to Daniel L. Tunelli, *et al.* on May 8, 2001. Reconsideration of this rejection and allowance of the claims as amended is respectfully requested for the following reasons.

The Examiner is reminded that many of the words and phrases which appear in the claims are defined in the specification, in a special “Definition of Terms” section that appears in paragraphs [0029] through [0047]. These definitions were previously presented to the Examiner and discussed in an amendment filed on February 12, 2007.

In this application as originally filed, claim 1 was a generic claim. Two species of the invention were defined by claims 2 and 3. In claim 2, the result of the analysis of the security information collected from the nodes of an enterprise under audit is compared to “information derived from industry standards applicable to the relevant peer group of enterprises.” Applicant has cancelled claim 2.

In claim 3, the results of the analysis of the security information collected from the nodes of an industry under audit is compared to "information derived from information previously obtained through application of the collecting and analyzing steps to two or more enterprises in the relevant peer group." Applicant has cancelled claim 3 and has inserted the language set forth here in quotation marks into independent claim 1. Similar language has been inserted into independent claims 17 and 22.

Accordingly, all of the claims presently before the Examiner are now directed to the the invention defined by claim 1 and former claim 3. To infringe these claims, security information must be collected from the nodes of an enterprise under audit; this information must then be analyzed, and a first result of this analysis must be presented; and then this first result must be compared to a second result "comprising security standards applicable to the enterprises under audit and one or more other enterprises that together form a relevant peer group, the second result comprising information derived from information previously obtained through application of the collecting and analyzing steps to two or more enterprises in the relevant peer group."

Applicant submits that the Williams, *et al.* application teaches only comparing the security of the nodes in a single enterprise to relevant standards, not to information derived previously from two or more other enterprises that, taken together with the single enterprise under audit, form a relevant peer group of three or more enterprises. The discussion in the Williams, *et al.* application is thus limited to the auditing of only a single enterprise, as is illustrated in Figure 1 of the Williams, *et al.* application. In the present application and its claims, the term "enterprise" is defined as follows:

a collection of computers, software, and networking that interconnects the computing environment of an organization of people. (present application, paragraph [0030])

In Figure 1, the single enterprise shown includes computers located in Chicago, New York, and London all of which are interconnected by a single private WAN 20 (wide area network), with this private WAN interconnection being positioned behind the firewalls 24 that isolate the computers in this single enterprise from the public Internet 18. The fact that a single enterprise is shown in Figure 1 is further emphasized by the fact that a common security

system is shown used to manage security for all of the computers in all three cities. Hence, only a single enterprise is shown in Figure 1.

In the Examiner's discussion of claim 3, the Examiner suggests that "... Williams disclosed the method wherein ... the second result comprises information collecting and analyzing steps to two or more enterprises in the relevant peer group ... (paragraphs 0010, 0007)." (Office Action mailed on May 2, 2007, page3, paragraph 9) Respectfully, applicant disagrees. In paragraph 0007, Williams, *et al.* indicates that an enterprise which includes as few as a few thousand nodes is still so large that auditing consultants "typically can only review a small sampling of the network (only 5-10 percent)." There is no mention in paragraph 0007 of auditing more than one enterprise. Likewise, paragraph 0010 describes a system "for auditing the security of a data communications network." Figure 1 of the Williams, *et al.* application, as just explained, shows only a single enterprise, not three or more enterprises. Also, there is no teaching in the Johnson, *et al.* application that the results of auditing one enterprise should be compared to the results of auditing several other similar enterprises.

The Tonelli, *et al.* patent also does not teach that the results of auditing one enterprise should be compared to the results of auditing several other enterprises that form a logical peer group with the first enterprise. "Peer Group" is defined in the present application as follows:

The relevant peer group of an enterprise that is being audited can be defined in several different ways: For example, it can be enterprises assigned to the same business category as the enterprise; enterprises involved in the same (or similar) industry or business as the enterprise (health, education, military, etc.); enterprises having computers configured similarly to the enterprise's computers (considering both systems and business configuration); or enterprises required to comply with the same security standards as the enterprise; or a combination of these. (present application, paragraph [0046])

The Tonelli, *et al.* patent does discuss comparing network configurations, but they are always configurations of the same network – comparison of a network's previous configuration with its present configuration (col. 4, lines 34-37), for example, or comparisons of a network's design configuration with its actual configuration (col. 4, lines 34-41, particularly lines 37-41). Such comparisons can reveal discrepancies, such as a network component previously configured properly or previously configured in accordance with a design plan that is now

configured differently, probably due to being improperly configured or defective (col. 4, lines 41-42). Such comparisons of the configuration of an enterprise to a past configuration or to a "correct" configuration of that same enterprise is not what the present claims specifically call for. The claims, as amended, call instead for the result of analyzing a given single enterprise to be compared to the results of previously analyzing several other different enterprises that form a logical peer group with the given enterprise. This not taught in the Tonelli, *et al.* patent.

Conclusion

In view of the above, applicant respectfully that this application and its amended claims be allowed to mature into a patent. Early and favorable action is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

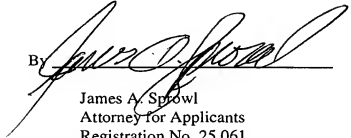
Respectfully submitted,

Date

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